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PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: Wightman, Craig L. Art Unit:

Application Number: 10/625,473

Examiner:

Filed: July 23, 2003

Title: ATTACHMENT FOR A PLOW

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity - fee \$ 55.00 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of \$ 65.00
Surcharge - late filing of oath (identify the type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been filed previously on _____

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

09/22/2004 WABDELRL 00000028 10625473

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

9-17-04

Date

Craig L. Wightman

Signature

315.858.9649

Telephone Number

Craig L. Wightman

Typed or printed name

Registration Number, if applicable

1234 County Highway 23

Address

Richfield Springs, NY 13439

Address

Enclosure ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unavoidable delay☐

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

9-17-04

Date

Craig L. Wightman

Signature

Craig L. Wightman

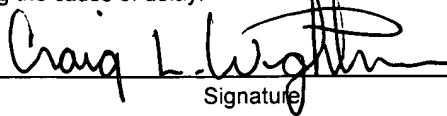
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

9-17-04

Date



Signature

Craig L. Wightman

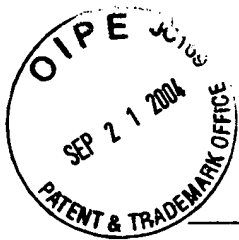
Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Please see attached petition pursuant to 37 CFR 1.137(a)

(Please attach additional sheets if additional space is needed.)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of Craig Wightman
Appl. Serial No.: 10/625,473

Filed: July 23, 2003

Title: ATTACHMENT FOR A PLOW

PETITION

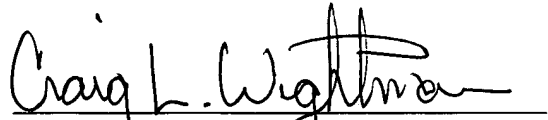
Pursuant to 37 CFR §1.137(a)

1. I, Craig L. Wightman, am the applicant for patent in the above captioned matter. I respectfully petition the United States Patent and Trademark Office under 37 CFR. §1.137(a) to revive my patent application as having been ***unavoidably*** abandoned for the reasons set forth below.
2. I am a sole inventor and pro se applicant before the USPTO. My application for patent was originally filed under the sponsorship of my then business partner, JGB Enterprises (hereinafter "JGB") located in Syracuse, New York. JGB retained Mr. Donald J. Perreault, Esq. of the law firm of Grossman, Tucker, Perreault & Pfleger, PLLC of Manchester, New Hampshire to prepare and file a patent application on my invention. My agreement with JGB was that they would pay all patent expenses associated with my invention in exchange for a 50% share of any profits that resulted from sales of the same. I was not given a copy or the patent application nor was I copied on any of the correspondences between JGB, Mr. Perreault and the USPTO.
3. On or about the beginning of May 2004 I inquired of Mr. Perreault as to the status of my patent application. Mr. Perreault informed me that JGB had not paid him for his legal services in preparing and filing the patent application and that he ceased all work on the patent application. Most importantly, Mr. Perreault informed me that patent application was in jeopardy of abandonment and that I had little time in which to act to prevent abandonment. He would not be more specific as to what actions I needed to take and stated that JGB was his client and I was not.
4. On May 14, 2004, I telephoned the USPTO Office of Initial Patent Examination to learn for the first time that on December 2, 2003, a notice was issued to the attorney of record, i.e., Mr. Perreault, that my patent application was "incomplete" and would not be examined. At this point I was neither told or made

aware by the Office of Initial Patent Examination of the fact that my patent application was in jeopardy of being abandoned. I was instructed only that the filing fee had not been paid, and that my patent application could be made "complete" by sending \$450.65 to the USPTO with a letter petition requesting acceptance of the filing fee with surcharge and waiver of the \$740.00 extension of time fee. According to my credit card statement the USPTO in fact did accept my \$450.65 payment.

5. On May 21, 2004 I faxed a PTO-2038 Credit Card Payment Form authorizing payment of the filing fee and surcharge (see exhibit "A"), a PTO/SB/97 Certificate of Transmission under 37 CFR 1.8 (see exhibit "B"), a PTO/SB/82 Revocation of Power of Attorney and Change of Correspondence Address (see exhibit "C") to insure all USPTO correspondences would now be directed to myself, and my petition via letter (see exhibit "D") requesting acceptance of the filing fee with surcharge and waiver of the \$740.00 extension of time fee. I received an Auto-Reply Facsimile Transmission on May 21, 2004 confirming that all of the above pages had been received by the USPTO (see exhibit "E"). At this point I believed that I had satisfied all the requirements of the Office of Initial Patent Examination so as to make my application "complete" and to prevent its abandonment. I therefore took no further action, acting in reliance that my application would now be in complete form for examination.
6. On or about August 9, 2004 I received a correspondence from Mr. Edward J. Tannouse, Petitions Attorney, USPTO stating that my aforementioned petition has been dismissed and that my patent application 10/625,473 was now abandoned (see exhibit "F"). Mr. Tannouse also references the Notice to File Missing Parts issued to the attorney of record, Mr. Perreault on December 3, 2003. Again, I never saw or had knowledge of this notice, making it impossible for me to reply to it in a timely manner. Mr. Tannouse further states that according to the Notice to File Missing Parts, "...the statutory basic filing fee and oath or declaration were missing..."
7. While your Office of Initial Patent Examination mentioned on May 14, 2004 that my filing fee was missing, they did not, however, inform me that my oath or declaration was missing. To date, I have never seen this Notice to File Missing Parts. I can likely conclude that my oath or declaration is also missing from my patent application. I would have promptly corrected this at the same time I faxed my credit card filing fee payment had only your Office of Initial Patent Examination instructed me to do so.
8. Therefore I respectfully petition herein that in view of (a.) my business partner's neglect of this patent application without my consent or knowledge, (b.) Mr. Perreault's constraints against full candor to me due to his attorney/client relationship with JGB, (c.) the USPTO Office of Initial Patent Examination's incomplete instructions to me regarding remedying my incomplete application and (d.) my very best, good faith timely efforts to remedy my incomplete

application that you now accept my filing fee and surcharge of \$450.65 already paid to you, my declaration of inventorship provided herein on form PTO/SB/01 and grant my petition under 37 CFR §1.137(a) to revive my patent application 10/625,473 as my replies to the USPTO having been truly unavoidably delayed for all of the reasons set forth herein.

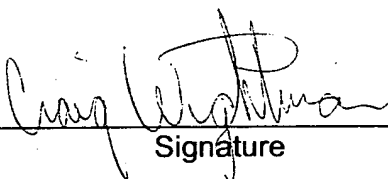

Craig L. Wightman, Applicant/Petitioner



Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on May 21, 2004
Date


Signature

Craig Wightman

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- 1 Facsimile Cover Sheet
- 2 Petition Letter requesting waiving of Extension fees and/or penalties
- 3 PTO/SB/82 (09-03) Revocation of Power of Attorney Form
- 4 PTO-2038 (02-2003) Credit Card Payment Form (Payment for Application Fee)
- 5 PTO/SB/97 (08-03) Certificate of Transmission under 37 CFR 1.8 Form

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT "B"



PTO/SB/82 (09-03)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/625,473
Filing Date	
First Named Inventor	Wightman, Craig
Art Unit	
Examiner Name	
Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint the practitioners associated with the Customer Number:

☒ Please change the correspondence address for the above-identified application to:

☐ The address associated with
Customer Number:

OR

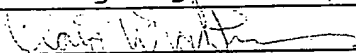
<input checked="" type="checkbox"/> Firm or Individual Name	Craig Wightman				
Address	1234 County Highway 23				
Address					
City	Richfield Springs	State	NY	Zip	13439
Country	United States				
Telephone	315.858.9649	Fax	315.858.9649		

I am the: 315.868.5996 cell

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	Craig Wightman (Applicant)		
Signature			
Date	4-16-04	Telephone	315.858.9649

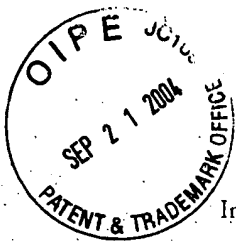
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of -1- forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT "C"



May 20, 2004

In regards to: Patent Application # 10/625,473

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria
VA 22313-9282
Phone: 703-305-9282

SUBJECT: PETITION TO WAIVE ADDITIONAL FEES

Dear Mail Stop Petition Officers,

When you look up the file on aforementioned patent application you will notice a fee assessed in the amount of approximately \$740.00 additional to the standard Small Entity Application Fee of \$450.65. I have been assessed this fee for circumstances completely out of my control.

I only learned of this fee and the circumstances in which it was levied on Friday, May 14, 2004. It was on this day that I learned for the first time that a notice had gone out to the attorney of record on December 2, 2003 stating that the application was receiving an incomplete status due to the fact that the application fee was not paid in full and that a deadline for payment had been issued for February 2, 2004.

Due to the fact that I was never made aware of these circumstances and that my patent application was in danger of being deemed abandoned, the attorney of record has been dismissed. You will find accompanying this petition a copy of the REVOCATION OF POWER OF ATTORNEY form that was faxed to USPTO Applications Office on Monday, May 17, 2004 also in which the original was mailed via USPS to the very address listed at the top of this page on the same day.

Please find it in your hearts to waive the extra \$740.00 in additional fees and/or penalties. I feel strongly that I am not deserving of this penalty. Had I been aware of the status of this patent application I would have made timely payment and there would never have been a reason to assess these additional fees.

Thank you kindly for your consideration.

Sincerely,

Craig Wightman

1234 CO. HWY. 23
RICHFIELD SPRINGS
NY 13439

EXHIBIT "D"

EXHIBIT "F"



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CRAIG WIGHTMAN
1234 COUNTY HIGHWAY 23
RICHFIELD SPRINGS, NY 13439

COPY MAILED

AUG 03 2004

OFFICE OF PETITIONS

In re Application of
Craig Wightman
Application No. 10/625,473
Filed: July 23, 2003
Title: ATTACHMENT FOR A PLOW

ON PETITION

This is in response to the papers styled, "Petition To Waive Additional Fees," filed May 21, 2004. The papers were recently forwarded to this office for review.

The petition is dismissed.

The above-identified application was filed on July 23, 2003. However, on December 2, 2003, the Office of Initial Patent Examination mailed a "Notice To File Missing Parts," (Notice) that stated a filing date was granted, but the statutory basic filing fee and oath or declaration were missing. The Notice also required the submission of a \$65.00 surcharge for the late submission of the filing fee and oath or declaration.

Petitioner requests the waiver of "the extra \$740.00 in additional fees and/or penalties." It appears that Petitioner requests waiver of the fees associated with a request for an extension of time under 37 CFR 1.136(a), as \$740.00 is the fee required to file a request for an extension of time within the fourth month (when then instant petition was filed). However, it is noted that the maximum extendable period of time under 37 CFR 1.136(a) ended at midnight on July 2, 2004. The filing of a request for an extension of time is no longer possible and this application is considered abandoned. As such, this petition must be dismissed as moot.

Please note, information for filing a petition under 37 CFR 1.137(a) or (b) to revive the abandoned application, and information for filing a petition under 37 CFR 1.181 to withdraw the holding of abandonment, shall be sent to petitioner under separate cover.

EXHIBIT "F"
PAGE 1 of 2

Application No. 10/625,473

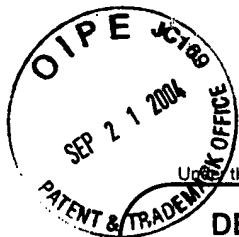
Page 2

Telephone inquiries should be directed to the undersigned at
(703) 306-9200.



Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

EXHIBIT "F"
PAGE 2 of 2



PTO/SB/01 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**Declaration
Submitted
With Initial
Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket Number

First Named Inventor

Wightman, Craig L.

COMPLETE IF KNOWN

Application Number

10/625,473

Filing Date

July 23, 2003

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ATTACHMENT FOR A PLOW

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

07/23/2003

as United States Application Number or PCT International

Application Number

10/625,473

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

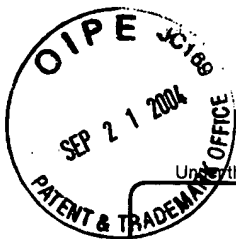
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/> Customer Number: <input type="text"/>				OR <input checked="" type="checkbox"/> Correspondence address below	
Name CRAIG L. WIGHTMAN					
Address 1234 COUNTY HIGHWAY 23					
City RICHFIELD SPRINGS			State NEW YORK		ZIP 13439
Country UNITED STATES OF AMERICA		Telephone 315.858.9649		Fax 315.858.9649	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
NAME OF SOLE OR FIRST INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any]) CRAIG				Family Name or Surname WIGHTMAN	
Inventor's Signature <i>Craig L. Wightman</i>				Date 9-16-04	
Residence: City RICHFIELD SPRINGS		State NEW YORK		Country USA	
Citizenship USA					
Mailing Address 1234 COUNTY HIGHWAY 23					
City RICHFIELD SPRINGS		State NEW YORK		ZIP 13439	
Country USA					
NAME OF SECOND INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])				Family Name or Surname	
Inventor's Signature				Date	
Residence: City		State		Country	
Citizenship					
Mailing Address					
City		State		ZIP	
Country					
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.					

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